

REMARKS

Applicant concurrently files herewith an Excess Claim Fee Payment Letter for eleven (11) excess total claims and one (1) excess independent claim.

Claims 1-35 are all of the claims presently pending in the application. Claims 1-7, 12-13, and 16-24 have been amended to more particularly define the invention. Claims 25-35 have been added to claim additional features of the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-2, 9-17, 19-21, and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Blumberg et al. (U.S. Publication No. 2003/0140315) (hereinafter “Blumberg”). Claims 3-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Blumberg and in view of Mori (U.S. Patent No. 6,089,765). Claims 5, 8, 18 and 22-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Blumberg and in view of Walker et al. (U.S. Patent No. 5,970,478) (hereinafter “Walker”).

Applicant gratefully acknowledges the Examiner’s indication that claims 6-7 would be allowable if rewritten in independent form. Applicants submit that neither Blumberg, nor Mori, nor Walker, nor any combination thereof teaches each and every element of the claimed invention. However, merely in an effort to speed prosecution, Applicants have amended independent claims 1, 17, 19, 20 and 24 to incorporate the allowable subject matter of claim 6.

That is, Applicants have amended claim 1 (and similarly claims 17, 19, 20 and 24) to recite, inter alia, “*a risk ratio calculating unit for calculating a credibility relating to a purchase of the product made by the customer from information relating to the customer associated with customer identification information, calculating a risk ratio based on said credibility, and outputting said alert information when said risk ratio is above a predetermined value*”.

In the Allowable Subject Matter section of the Office Action (see Office Action at page 6, section 6) the Examiner provided his reasons for the allowability of claims 6 and 7. Specifically, the Examiner stated that “[t]he following is a statement of reasons for the

indication of allowable subject matter: risk ratio calculating unit calculates a credibility relating to a purchase of the product made by the customer from said information relating to the customer associated with said customer identification information, calculates said risk ratio based on said credibility, and outputs said alert information when said risk ratio is above a predetermined value". Therefore, Applicants respectfully submit that this Amendment places the Application in condition for allowance. Therefore, the Examiner is respectfully requested to withdraw this rejection.

New claims 25-35 have been added to provide more varied protection for the claimed invention and to claim additional features of the invention. These claims are independently patentable because of the novel features recited therein.

Applicants respectfully submit that new claims 25-35 are patentable over any combination of the applied references at least for analogous reasons to those set forth above with respect to claims 1-24.

Regarding the Examiner's objection to the Information Disclosure Statement filed on January 26, 2001, Applicants respectfully submit that they have fully complied with M.P.E.P. § 609 and 37 C.F.R. § § 1.97-1.99 regarding the submission of foreign language documents. In full compliance with M.P.E.P. § 609 and 37 C.F.R. § § 1.97-1.99, a translation of the relevant portions indicating the degree of relevance of each of the foreign references is included in the Description of Related Art section of the Application. Again, this is in full compliance with M.P.E.P. § 609 and 37 C.F.R. § § 1.97-1.99.

Further, Applicants note that there is no requirement in 37 C.F.R. or the M.P.E.P. for a "complete English translation" of a foreign language reference in order for the Examiner to consider the reference. Also, Applicants submitted a copy of each reference listed on the form PTO 1449 with the Information Disclosure Statement, as is indicated on the date-stamped PTO filing receipt.

Hence, the Examiner is requested to consider the references to the extent possible and to initial the form PTO 1449 for the Information Disclosure Statement filed on January 26, 2001. For the Examiner's convenience, a duplicate copy of the respective form PTO 1449 and the date-stamped filing receipt are resubmitted herewith.

In view of the foregoing, Applicants submit that claims 1-35, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above

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application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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